

AMENDED IN SENATE MARCH 29, 2000

SENATE BILL

No. 2163

Introduced by Senators Bowen and Dunn

February 25, 2000

An act to add Section 35758 to the Food and Agricultural Code, relating to milk.

LEGISLATIVE COUNSEL'S DIGEST

SB 2163, as amended, Bowen. Milk: standards.

(1) Existing law regulates the content and prescribes standards for milk, cream, and certain milk products, including the amount of milk fat and milk solids not fat that those products may contain.

This bill would permit a retailer to sell, or offer for sale, milk that does not meet those requirements if the milk meets specified minimum calcium and protein requirements. The bill would also provide that producers that choose to make milk that complies with the milk solids not fat standards shall comply with these minimum requirements. The bill would also provide that, subject to specified regulations by the Department of Agriculture, producers, handlers, and producer-handlers of milk that choose not to comply with the existing standards shall be exempt from participation in a stabilization and marketing plan to the extent that such a plan requires payment of a fortification allowance to subsidize the cost of complying with those requirements. *This bill would provide that all milk sold in this state pursuant to these provisions shall meet all health and nutritional standards established by the United States Food and Drug*

Administration, and would also provide that milk that relies on the addition of specified artificial forms of calcium to meet the calcium requirements of these provisions shall be sold as “calcium fortified milk” and would be subject to additional specified labeling requirements. Because violations of licensing and other substantive provisions applicable to milk production and sales are punishable as misdemeanors, by changing these requirements this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35758 is added to the Food and
2 Agricultural Code, to read:

3 35758. (a) Notwithstanding any other provision of
4 law, a retailer may sell, or offer for sale, milk that does not
5 meet the requirements relating to the amount of milk fat
6 or milk solids not fat that milk may contain, as set forth in
7 Article 2 (commencing with Section 35631) of Chapter 1,
8 and Sections 35784, 35784.1, and 35786, if all of the
9 following requirements are met:

10 (1) For whole milk, the product contains a minimum
11 of 276 mg of calcium and 7.9 grams of protein per eight
12 ounce glass.

13 (2) For 2 percent reduced fat milk, the product
14 contains a minimum of 317 mg of calcium and 9.1 grams
15 of protein per eight ounce glass.

16 (3) For 1 percent lowfat milk, the product contains a
17 minimum of 348 mg of calcium and 10 grams of protein
18 per eight ounce glass.

(4) For nonfat or skim milk, the product contains a minimum of 285 mg of calcium and 8.2 grams of protein per eight ounce glass.

(b) Producers that choose to make milk that complies with the milk solids not fat standards contained in Article 2 (commencing with Section 35631) of Chapter 1, and Sections 35784, 35784.1, and 35786, shall ensure that the above minimum calcium and protein levels are achieved.

(c) Notwithstanding any other provision of law, producers, handlers, and producer-handlers of milk that choose to produce and market milk that does not comply with the milk solids not fat standards contained in Article 2 (commencing with Section 35631) of Chapter 1, and Sections 35784, 35784.1, and 35786, shall be exempt from participation in any stabilization and marketing plan established pursuant to Division 21 (commencing with Section 58001), to the extent that such a plan requires payment of a fortification allowance to subsidize the cost of complying with those requirements. The Department of Agriculture shall, by regulation, establish an equitable means of excluding these products from an existing licensee's assessments under a plan.

(d) (1) Notwithstanding any other provision of law, all milk sold in this state pursuant to this section shall meet all health and nutritional standards established by the United States Food and Drug Administration.

(2) Any milk sold pursuant to this section that relies on the addition of tricalcium phosphate, calcium propionate, calcium pantothenate, or any other calcium additive that does not come from an unadulterated lacteal secretion obtained from a cow or goat in order to comply with the calcium requirements of subdivision (a) shall not be sold as "milk" as defined in Section 32511, but instead shall be sold as "calcium fortified milk." Except as provided in this article, calcium fortified milk shall meet all standards and requirements specified in this division as applicable to market milk, other than the milk solids not fat standards contained in Article 2 (commencing with Section 35631) of Chapter 1, and Sections 35784, 35784.1, and 35786.

1 (3) *All calcium fortified milk sold in this state pursuant*
2 *to this subdivision shall be labeled in accordance with*
3 *statutes and regulations applicable to vitamin and*
4 *mineral addition. The phrase “calcium fortified milk” and*
5 *the type of calcium added (tricalcium phosphate,*
6 *calcium propionate, calcium pantothenate, or any other*
7 *calcium additive) shall appear with the product*
8 *designation on the principal display panel or panels.*

9 SEC. 2. No reimbursement is required by this act
10 pursuant to Section 6 of Article XIII B of the California
11 Constitution because the only costs that may be incurred
12 by a local agency or school district will be incurred
13 because this act creates a new crime or infraction,
14 eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition
17 of a crime within the meaning of Section 6 of Article
18 XIII B of the California Constitution.

